

FILED

August 17 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0081

STATE OF MONTANA,

Plaintiff and Appellee,

v.

KENTON RICHARD WEIMER,

Defendant and Appellant.

FILED

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORDER

Upon consideration of the parties' Motion to Dismiss by Stipulation,

IT IS HEREBY ORDERED that the Appellant's sentence be vacated and the case remanded to the Montana Eleventh Judicial District Court, Flathead County, for a new sentencing hearing. The new sentencing should occur before a new sentencing judge with an updated presentence investigation report.

DATED this 17th day of August, 2010.



JUSTICE

cc: Ms. Mardell Ployhar
Ms. Lori Adams
Mr. William F. Hooks

ORDER